

### **REMARKS**

Claims 1-38, 40-44, and 65-103 are pending in this application. By this Amendment, claims 1 and 36 have been amended and claim 39 has been canceled. Support for the amendment to claim 1 can be found, for example, at paragraphs [0024]-[0030]. Support for the amendment to claim 36 can be found, for example, in original claim 39. Thus, no new matter has been added.

#### **I. Election of Species/Restriction Requirement**

Claims 24-35, 43 and 65-103 have been withdrawn from consideration. Claims 1-23 and 36-44 continue to read on the elected Species. At least claims 1 and 8 are generic to all species. Accordingly, rejoinder of claims 24-35 and 43 is respectfully requested upon the allowance of any of the generic claims.

Further, MPEP §821.04(b) recites, in relevant part, "withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder." Accordingly, rejoinder of the method claims 65-103 is respectfully requested upon the allowance of any product claim from which they depend.

#### **II. 35 U.S.C. §102 Rejection**

The Office Action rejects claims 1-2 and 9-16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,800,879 (hereinafter "Golyakhovsky"). This rejection is respectfully traversed.

Golyakhovsky fails to disclose or render obvious "wherein at least one of the first fitting and the hole is adapted to allow fluid flow between an external fluid source and the section of tissue," as recited by claim 1.

Golyakhovsky discloses a vascular occluding device for interrupting blood flow in veins or arteries during vascular surgery. Referring to Fig. 2, the device of Golyakhovsky includes two plastic arms 1 and 2 having inner surfaces 6 and 7, respectively. The inner

surfaces 6 and 7 of the plastic arms 1 and 2 have cavities 8 and 9, respectively, formed therein which are shaped to conform to the blood vessel to be occluded.

The Office Action alleges that cavity 9 corresponds to the hole of claim 1 and that cavity 8 corresponds to the chamber of claim 1. The Office Action further alleges that valve 11 corresponds to the first fitting of claim 1. Applicants respectfully disagree.

Golyakhovsky discloses that the inner surface 6 of the upper plastic arm 2 is lined with a plastic balloon 10 that is partially-inflated and capable of being further inflated by way of a one-way valve 11 that communicates between the outside atmosphere and the balloon 10 (see col. 3, lines 40-51). Thus, Golyakhovsky provides no disclosure that valve 11 allows for fluid flow between an external source and the occluded blood vessel itself.

Further, Golyakhovsky discloses that the balloon 13, which lines the inner surface 7 of the lower arm 1 and is centered in the cavity 9 (alleged hole), is permanently partially-inflated to a desired degree of inflation, and that the device is not constructed with any means for further inflating the balloon 13 (see col. 3, lines 57-63). Thus, the hole does not allow for fluid flow between an external source and the occluded blood vessel.

Therefore, Golyakhovsky fails to anticipate claim 1 for at least the reason that Golyakhovsky fails to disclose "wherein at least one of the first fitting and the hole is adapted to allow fluid flow between an external fluid source and the section of tissue," as recited by claim 1.

Therefore, claim 1 is patentable over Golyakhovsky . Claims 2 and 9-16 are patentable for at least their dependency from claim 1 as well as for the additional features they recite.

Accordingly, withdrawal of the rejection is respectfully requested.

**III. 35 U.S.C. §103 Rejections**

The Office Action rejects claim 3 under 35 U.S.C. §103(a) as being obvious over Golyakhovsky; rejects claims 4-8, 36-40 and 42 under 35 U.S.C. §103(a) as being obvious over Golyakhovsky in view of U.S. Patent No. 6,726,651 (hereinafter "Robinson"); rejects claims 17 and 41 under 35 U.S.C. §103(a) as being obvious over Golyakhovsky in view of U.S. Patent No. 3,538,915 (hereinafter "Frampton"); and rejects claims 18-23 and 44 under 35 U.S.C. §103(a) as being obvious over Golyakhovsky in view of U.S. Patent No. 5,814,016 (hereinafter "Valley"). These rejections are respectfully traversed.

None of the other applied references cure at least the above-stated deficiencies of Golyakhovsky with respect to claim 1.

With respect to claim 36, the Office Action acknowledges that Golyakhovsky fails to disclose the second fitting and relies on Robinson as allegedly curing this deficiency. However, neither Golyakhovsky nor Robinson disclose "a second fitting on the cannula body, the second fitting in fluid communication with at least one of the first fitting and the lumen, wherein the second fitting is adapted to connect to a first fitting of a second cannula," as recited by claim 36.

The Office Action makes a general allegation that Robinson discloses the above-quoted features but fails to cite to any specific portion of Robinson as allegedly disclosing the above-quoted features. Regardless of which structure of Robinson is being alleged to correspond to the second fitting of claim 36, Robinson fails to disclose "wherein the second fitting is adapted to connect to a first fitting of a second cannula," as recited by claim 36. Robinson fails to disclose any lumen (e.g. Fig. 23, lumen 1205, lumen 1211, etc.) or any tubular member (e.g. Fig. 22, 1280) that is adapted to be connected to a structure of another catheter.

Therefore, neither Golyakhovsky nor Robinson disclose "a second fitting on the cannula body, the second fitting in fluid communication with at least one of the first fitting and the lumen, wherein the second fitting is adapted to connect to a first fitting of a second cannula," as recited by claim 36.

Further, Frampton and Valley fail to cure at least the above-stated deficiencies of Golyakhovsky and Robinson.

Therefore, claims 1 and 36 are patentable over the applied references taken in any combination. The dependent claims are also patentable for at least their various dependencies from either claim 1 or claim 36 as well as for the additional features they recite.

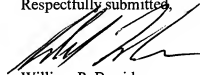
Accordingly, withdrawal of the rejections is respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

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